EPA United States Environmental Protection Agency

Public Comment Form

(Please Print)

Name Luci Davis

Address 300 West Arrington St., Suite 200

Farmington, New Mexico 87401

Affiliation BHP Billiton

Telephone 505 598-8214

Email luci.davis@bhpbilliton.com

Would you like to be added to our mailing list? ☐ Yes ☐ No

Comments: Page 3 of "Ambient Air Quality Impact Report" Under Coal Handling, it states that "... the low sulfur, blended coal from the Navajo Nation mine operated by BHP Billiton.

Navajo Mine is operated by BHP Navajo Coal Company. The global company is BHP Billiton.

The reference should be Navajo Mine NOT Navajo Nation Mine. All references should be changed accordingly.

II-41

October 22, 2006

Betty M. Dixon
P.O. Box
Sanostee New Mexico
87460

Robert Baker
EPA Air Quality (AIR-3)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Baker:

I am writing because I am opposed to the proposed Desert Rock Power Plant. My main question/concern is this: Why is the EPA allowing the high concentration of power plants in the Four Corners region, resulting in degraded public health and quality of life?

Health implications for decreasing air quality included an increase in the already record high admittance to the Indian Health Service facilities for asthma and other serious respiratory problems.

Additionally, the current state of health care services in the Navajo Nation is less than adequate. "Navajo Indian Health Services are only 70% funded and there is a 25% vacancy rate for doctors and nurses."* Given the level of health care available to the citizens most affected by the proposed power plant, it is criminal to add to the already heavy health burdens created by the existing power plants.

Sincerely, Betty M Dixon

* Source: 2004 Broken Promises—Evaluating Native American Health Care Systems by U.S. Commission on Civil Rights.

#-42

Henry Dixon
Box
Sanostee N.M. 87461

October 22, 2006

Robert Baker
EPA Air Quality (AIR-3)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Baker:

When considering the proposed Desert Rock Power Plant, my question is: Why is the EPA allowing the high concentration of power plants in the Four Corners region, resulting in degraded public health and quality of life.

We need answers that weren't even considered and addressed in the Air Quality Permit. High emission levels from Four Corners and San Juan Power Plants have severely affected agriculture in the San Juan basin. I object to subjecting the land to more air pollution which will have severe repercussions on the agriculture and pastoral lifestyle on which local residents' incomes rely. Additionally, I object to the violent treatment of the earth that is an unavoidable result of strip mining.

Sincerely,

Henry Dixon

II-43

P.O. Box
Mancos, Co
81328

10/23/06

I am writing in opposition to the proposed Desert Rock power plant. Air quality monitoring data from the National Park Service Air Resources Division has not been considered by the EPA. If approved, only a gasification plant should be allowed. We are a tourist based economy and the brown cloud over the four Corners is already bad enough. These plants need gasification conversion. As a 20 year resident here my plea.

Herb Folsom

XI-44

#1

Elizabeth Jo Foran

Mancos, Colorado 81328

October 24, 2006

Mr. Robert Baker, AIR-3
U.S. Environmental Agency
75 Hawthorne Street
San Francisco, CA 94105

Re: Desert Rock Coal Fired Generating facility permit

Dear Mr. Baker:

The following are my concerns regarding the proposed Desert Rock Coal Fired Generating facility.

1. Monitoring of air quality in southwestern Colorado is inadequate. It is not known scientifically how dangerous the environmental impact to the area is from existing and additional coal generating power plants.

2. It is inappropriate for any federal official to make a decision of such importance ***for*** residents of the Four Corners when we are unable to read the draft Environmental Impact Statement.

3. The proposed PSD permit, if finalized through approval by the EPA, will allow the German Company, Sithe Global Energy, to construct two supercritical pulverized coal fired boilers and ***not require*** Sithe to utilize the Best Available Control Technology. That technology has been proven to be Integrated Gasification Combined Cycle (IGCC). I disagree with the decision to not include IGCC as an alternative to a pulverized coal fired boiler at Desert Rock as it demonstrates to me that EPA is not interested in protecting the citizens of the area.

4. What is proposed for the Desert Rock facility is the same technology that the U.S. power companies have been using since the 1950s, and which produces mercury pollution, sulfates and nitrates, atmospheric carbon dioxide, and acid rain: awful stuff at higher altitudes especially.

5. For an EPA official to make a statement that the area has no pollution problem is for the agency to demonstrate unawareness of the area and of the pollution that does exist in the Four Corner's area. Having observed the cloud of tan goop that hung low in the sky at nine in the morning, October 24, 2006, I can attest that the area ***does indeed*** have a pollution problem.

6. I live at seven thousand feet altitude and can not tolerate the level of pollution that I did when I lived at less than a thousand feet.

#2

7. In public meetings (2005) on behalf of Sithe's Desert Rock ***project***, there was a promise of 90 percent reduction in mercury emissions, but since then Sithe has reneged on their mercury commitment in the PSD permit provisions.

8. Since California is targeted as a major power distribution market for Desert Rock, and since the State of California, by law, can no longer purchase electric power from plants that do not meet California standards, it behooves Sithe to ensure that Desert Rock be as clean a possible in its emissions.

9. The modeling results in the impact report are suspect because of the lack of monitoring stations at lower elevations, including agricultural lands and water resources.

10. The modeling does no take into account that the majority of people in the area are breathing air at six to seven thousand feet.

11. Nor does the modeling take into account the pollution that the various wells in the San Juan Basin are exuding.

12. Approval of the proposed PSD permit and construction of the Desert Rock facility ***will*** adversely affect visibility in the Four Corners.

13. The visibility of the air over the Montezuma and Mancos Valleys and the clarity of the air to the south looking over the Navajo and Ute Mountain Ute lands is deteriorating. Unless there is zero pollution from ***The Desert Rock Facility, there will be further deterioration in visibility.*** This fact is ignored in EPA's Ambient Air Quality Impact Report.

Is the EPA going to allow a German Company, used to European air quality standards, to determine the amount of pollution of the Four Corner's area?

I support The League of Women Voters of Cortez Montezuma County in asking that the EPA take the following actions:

1. Postpone action on the PSD until stakeholders can review and comment on the Environmental impact statement;
2. Require Sithe to fulfill its promise to reduce mercury emissions by 90 percent;
3. Examine other data and models for regional ambient air quality, including those available from the National Park Service Air Resources Division, especially in Class One areas;
4. Require Sithe to use the Best Available Control Technology, which is an Integrated Gasification Combined Cycle design; and
5. Require Sithe to provide additional monitoring stations in the Four Corners to assure Desert Rock complies with its permit conditions.

I ask EPA to question the absurdity of the Four Corners area generating electricity for California and Nevada.

Sincerely,

Elizabeth Jo Foran

October 25, 2006

Evenyln George
P.O. Box
Newcomb, New Mexico
87455

Robert Baker
EPA Air Quality (AIR-3)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Baker:

Recent EPA hearings have totally ignored and don't address the real world impacts. The number one concern is Health Impacts and that was never even given consideration. There needs to be a survey done to get assessment of current health related impacts from the two existing power plants. The two worst power plants in the west.

I am writing to object to the proposed Desert Rock Power Plant. Given that unpaved roads and weak infrastructures mean sure death in times of respiratory failure—adding particulates to the air, which increase the likelihood of respiratory failures is tantamount to murder. 'Upgraded roads' were promised to Navajo residents by Four Corners Power Plant, but these promises remain unfulfilled.

Additionally, those who are proposing the mine are in violation of Environmental Justice Executive Order 12869 by not publicizing to local residents public meetings; I object to progress and negotiations made with out local residents' knowledge and input.

Sincerely,
Evelyn George

October 24, 2006

Henry George
P.O. Box
Newcomb, New Mexico
87455

Robert Baker
EPA Air Quality (AIR-3)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Baker:

There was a miscarriage of justice carried out by the recent hearings held on the Draft Air Quality Permit for Desert Rock, Clean Air Act Prevention of Significant Deterioration (PSD) permit. The process didn't even begin to address the health problems impacting the residents right under the proposed Desert Rock.

I am writing to express my opposition to the proposed Desert Rock Power Plant. The EPA assessment didn't take into consideration addressing the Executive Order 12898: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Compliance with Environmental Justice is required for the Air Quality permit, where issues of concern include: "Disproportionate exposure to pollutants, potential health problems (i.e. respiratory, heavy metals in fish, etc")* Therefore, residents insist that a health assessment, including Access Issues is essential as a baseline measure for monitoring purposes. Residents strongly object to being exposed to further pollution. A health study needs to be conducted to address health problems and lack of access to health care.

Sincerely,

Henry George

*Source: CISEPA Air Quality Impact Report, NSR .4-1-3, AZP 04-01

E.
Pauline Gilmore
P.O. Box
Fruitland, NM 87417

Put me on mailing list

~~The air clean~~

The air is not clean. With Desert Rock, the pollution will get worst. Because of the poor quality of the air we have Respiratory problems.

The process of cleaning the air is all based on general information, we are not consulted, so the process & decisions made are problamatic.

We are opposed

E. Pauline Gilmore

October 21, 2006

Leanette Gutierrez
Box
Kirtland, NM 87417

Robert Baker
EPA Air Quality (AIR-3)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Baker:

I am writing because I am opposed to the proposed Desert Rock Power Plant. The EPA's modeling was flawed because air monitors were located only at Farmington and at Rio Rancho near Albuquerque. Local and real world data from local hospitals is needed. US EPA Region 9 used data from Rio Rancho, which is approximately 180 miles away and has no bearing on the excessive pollution in the immediate area. I think they used those data because there is none existing in the immediate area - there has never been any readings done on the pollution or health related studies.

It also appears that the effects of coal combustion particulate matter on water quality are not adequately considered.

Given that this community already faces inadequate health care, it is criminal to add to already heavy health burdens created by the existing power plants.

Sincerely,

Leanette Gutierrez

XI-49

United States Environmental Protection Agency

Mr. Robert Baker
Air Division (Air-3)
USEPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Public Comment Form

(Please Print)

Name Jennifer Gilly

Address CR 228

Durango CO 81301

Affiliation Earth

Telephone 970.

Email

Would you like to be added to our mailing list? ☒ Yes ☐ No

Comments: We need to see maps of where the air pollution blows to. And how much.

NO POLLUTION IS ACCEPTABLE.

II-50

9/29/2006

MR. ROBT BAKER;
EPA
75 HAWTHORNE ST SF, CA
94105

I ATTENDED THE "PUBLIC HEARING" AT FT. LEWIS COLLEGE AND WAS DISAPPOINTED AT THE LACK OF WILL DEMONSTRATED BY THE EPA OFFICIALS. TALK OF THE FOUR CORNERS "PRISTINE AIR QUALITY" AND IT COULD HANDLE ANOTHER COAL-FIRED PLANT WITH NO PROBLEM. AND LOOK "OUR GRAFTS SHOWS YOU PEOPLE AREN'T EVEN "MAXED OUT" AT FEDERAL POLLUTION LEVELS. MERCURY? OH, THATS OFF THE TABLE. "WE DON'T DEAL WITH THAT!" A REAL FARCE.

POINTS:

- PROJECT "MODELING" SEEMS FLAWED AT BEST
- NO ENVIRONMENTAL JUSTICE - TOO MUCH EXPOSURE TO TO TOXIC POLLUTANTS, I.E. MERCURY, ETC. - ALREADY HAVE (2) OF THE DIRTIEST PLANTS IN US. (4 CORNERS, SAN JUAN)
- WHAT ABOUT MESA VERDE NAT'L PARK? CLASS I AREA — DIDN'T HEAR ANY OF THAT MENTIONED.
- OZONE LEVELS WILL EXCEED ACCEPTABLE LIMITS SOON.
- HOW DOES THIS NEW PLANT COMPLY WITH THE CLEAN AIR MERCURY RULE? THE AGGREGATE LEVELS FROM ALL 3 PLANTS ARE TOO MUCH!

THERE WAS TOO MUCH "TRUST US" FROM SITHE GLOBAL WHAT ABOUT COMPLIANCE IF LEVELS ARE EXCEEDED? WILL IT BE THE "COST OF DOING BUSINESS" FINES THAT ARE LAUGHABLE? IF THIS PLANT GOES AHEAD THE AREA WILL BE FURTHER DEGRADED

DENY PERMIT

" "

WENDY HOFFMAN

EPA United States Environmental Protection Agency

Public Comment Form

(Please Print)

Name Mollie Hoque

Address _____

New Iberia, LA 70563

Affiliation Burham resident

Telephone _____

Email _____

Would you like to be added to our mailing list? ☒ Yes ☐ No

Comments: At Present there is already a lot of pollution from existing power plants. Adding Desert Rock Plant will increase air pollution. The quality of air is already bad, and it will worsen.

Air permit is based on Best available technology, but we do not know what those technologies are - it was not demonstrated.

The current pollution is already having a negative impact in the vegetation and causing a drought. MOLES RHOBV

No to Desert Rock Air permit.

II-52

October 22, 2006

Raymond Hogue

Newcomb, NM 87455

United States Environmental Protection Agency
Robert Baker, Air-3
U.S. Environmental Protection Agency
75 Hawthorne St., San Francisco, CA 94105

Dear Mr. Baker

I live on the Navajo reservation and I am object to the issuance of the PSD air quality permit to Sithe Global Power for the Desert Rock Energy Facility.

The EPA must not issue a permit for Desert Rock when, based on current adverse visibility that causes asthma and other respiratory diseases. It is not acceptable that the EPA is using air quality monitoring data from Rio Rancho and Farmington and NOT from where we live. I live five miles away from the proposed power plant and I see a brown haze every morning. I believe the EPA has an obligation under the Clean Air Act to prevent any future impairment to visibility. Worst, the Nation doesn't have tribal visibility protection regulations in place.

The EPA Region 9 didn't even know about the ozone monitoring unit set in Sanostee, NM. On July 24, 2003, the Environmental Protection Agency Region 6 recorded the *highest* levels of ozone concentration in the Sanostee region (approximately 14 miles from the proposed site). This report needs to be included to determine the true impacts.

The EPA has not addressed how Desert Rock Energy Facility complies with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

Sithe Global and Dine Power Authority refuse to disclose documents/proof of exhibits about land acquisition for requested 600 acres of land in Burnham, New Mexico.

Before the permit to Sithe Global Power for the Desert Rock Energy Facility it is necessary that the above concerns are addressed and the public fully informed of the resolution of these concerns.

Sincerely,

Raymond L Hogue

Raymond Hogue

Iadie Houchin

Sigurd, Utah 84657

October 18, 2006

Robert T. Baker
Mail Code AIR-3
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: **Desert Rock Energy Center (AZP 04-01)**
Proposed PSD Permit

Dear Mr. Baker,

Thank you for the opportunity to comment on the proposed PSD permit conditions for the referenced power plant. As detailed below, I have carefully reviewed the proposed permit conditions and the preliminary BACT determinations as documented in the Ambient Air Quality Impact Report (NSR 4-1-3, AZP 04-01). Based on this careful review, I have determined that the EPA's preliminary BACT determinations are deficient and that the proposed permit conditions are vague and unenforceable. Accordingly, the permit cannot be lawfully issued without substantial changes that would necessitate reopening of the public notice and comment process.

The following are my detailed comments:

A. BACT for Mercury Emissions

No PSD review was performed, and no BACT emission limits established, for emissions of mercury. This omission constitutes clear legal error. Mercury emissions are regulated under the New Source Performance Standards for Electric Utility Steam Generating Units. *See,* 40 CFR § 60.45Da. This NSPS emission standard for mercury was promulgated pursuant to the authority granted EPA under section 111 of the Clean Air Act. *See also,* 70 Fed. Reg. 28606. Thus, mercury is a regulated NSR pollutant, as that term is defined

at 40 CFR § 52.21(50)(ii). According to the Desert Rock PSD permit application, potential mercury emissions from the proposed facility are 0.057 tons per year. *See,* Table 5-1, "Summary of Criteria Pollutant Maximum Potential Emissions." [1] This mercury emission rate exceeds the significant level for mercury, which is "any emissions rate" pursuant to the definition at 40 CFR § 52.21(b)(23)(ii). The permit must, therefore, include a BACT emission limit for mercury. This limit can be no less stringent than the mercury BACT emission limit of 7.05×10^{-6} lb per MWh in the recent PSD permit for Unit 3 at Seminole Electric Cooperative's Palatka Generating Station. *See,* Florida Department of Environmental Protection draft permit PSD-FL-375.

B. BACT for Nitrogen Oxides Emissions from PC Boilers

The EPA's preliminary NO_X BACT determination for the PC boilers is a limit of 0.060 lb/MMBtu, averaged over a 24-hour period. The permit also includes an emission limit of 378.5 lb/hr, averaged over a rolling 365-day period. While not identified as BACT, this limit is equivalent to 0.056 lb/MMBtu at the listed "extreme maximum" heat input capacity of 6,800 MMBtu/hr. These limits do not represent BACT. Issuance of a final PSD permit with a NO_X BACT emission limit greater than 0.050 lb/MMBtu, averaged over a 24-hour period, or 0.045 lb/MMBtu, based on a rolling 365-day average, would constitute clear legal error.

The PSD permit application and the Ambient Air Quality Impact Report both indicate that the emission rate of 0.060 lb/MMBTU as a 24-hour average is "lower than other NO_X emissions rates that have been proposed for or achieved by pulverized coal fired boilers recently." This may have been true at the time of permit application submittal, but at the time of EPA's proposed permit issuance, this is patently incorrect. The recent PSD permit for Louisville Gas and Electric, Trimble County Unit 2, includes a NO_X emission limit of 0.050 lb/MMBtu. *See,* Kentucky Division for Air Quality Permit No. V-02-043, Revision 2, issued January 4, 2006, limiting NO_X emissions to 4.17 tons per calendar day and limiting heat input to 6,942 MMBtu/hr. The EPA's preliminary NO_X BACT analysis, by failing to consider this more stringent limit, is clearly erroneous and deficient. Simply adopting this daily NO_X emission limit as BACT, even in the absence of a lower 365-day limit, would reduce allowable NO_X emissions from the proposed facility to 2,990 tons per year. This represents an emission reduction of more than 300 tons per year relative to the levels proposed by EPA.

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[1] All references to the permit application herein are to the May 2004 application submitted by Steag Power, LLC.

Furthermore, the proposed emission limits of 0.060 lb/MMBtu on a 24-hour average and 0.056 lb/MMBtu on a rolling 365-day average are substantially less stringent than what has been demonstrated in practice for similar emissions units. Three of the four coal-fired units at the W.A. Parish facility owned and operated by Texas Genco achieve NO_X emission rates less than 0.045 lb/MMBtu, based on a 30-day average. Each of the Parish units is similarly configured, similarly equipped, and burns similar coal relative to the units at issue in this proceeding. The PSD permit application identifies the Parish units as the best-performing existing units and brazenly attempts to distinguish those units on two bases: First, that Parish Unit 8 had operated with SCR for only a few days at the time of PSD permit application submittal in May 2004, and second, that the Parish units burn subbituminous PRB coal, whereas the proposed units will burn New Mexico coal, which is inherently higher NO_X-producing. The first argument no longer withstands scrutiny, as all four Parish units have been operating with SCR for more than 30 months, and three of these units have continuously achieved emission rates less than 0.045 lb/MMBtu on a 365-rolling average basis. *See,* daily emission data for the Parish facility, ORISPL code 3470, available on EPA's Clean Air Markets data Internet web page. The second argument is conclusory, unsupported by the record, and without technical merit. The EPA appears to have adopted these arguments without any critical analysis whatsoever, as the Ambient Air Quality Impact Report makes no mention of the lower emission rates that have been demonstrated to be achievable. It is not sufficient to identify some inconsequential difference between the proposed facility and the best-performing existing facilities; in order to justify a higher emission rate for the proposed facility, the BACT analysis must also include a specific and technically sound rationale for determining that the higher level of control is not achievable. *See,* Draft NSR Workshop Manual at B.24 ("... when reviewing a control technology with a wide range of emission performance levels, it is presumed that the source can achieve the same emission reduction level as another source unless the applicant demonstrates that there are source-specific factors that provide a technical, economic, energy, or environmental justification to do otherwise"). Also, notwithstanding the fact that the Parish units are not subject to stringent unit-specific NO_X emission limits, EPA's failure to consider the much lower emission rates achieved by these units constitutes clear error in its preliminary BACT determination, as BACT must be established at a level based on the maximum degree of reduction that the Administrator determines is achievable, without regard to the emission limits previously established. (Emphasis added.) *See,* 40 CFR § 52.21(b)(12).

C. BACT for PM10 Emissions from PC Boilers

The EPA's preliminary PM10 BACT determination for the PC boilers is a limit of 0.020 lb/MMBtu, based on the use of an air pollution control technology train that excludes a wet electrostatic precipitator. This BACT determination is deficient and the proposed limit does not represent BACT. Issuance of a final PSD permit with a PM10 BACT emission limit greater than 0.018 lb/MMBtu and without a requirement for a wet electrostatic precipitator would constitute clear legal error.

The recent PSD permit for Louisville Gas and Electric, Trimble County Unit 2, includes a PM10 emission limit of 0.018 lb/MMBtu. This facility is required to control PM10 emissions with a fabric filter baghouse, wet scrubber, and a wet electrostatic precipitator. *See,* Kentucky Division for Air Quality Permit No. V-02-043, Revision 2, issued January 4, 2006. The EPA's preliminary PM10 BACT determination, by failing to consider this combination of air pollution control technologies or this more stringent emission limit, is clearly erroneous and deficient. The air pollution control train proposed by the applicant here, and blindly accepted by EPA without any critical analysis whatsoever, does not include a wet electrostatic precipitator. This omission is inexplicable, as the proposed configuration with this proven and effective technology added is clearly the top option in a proper top-down BACT analysis. Selection of a control strategy that is less effective than the best available combination of technologies (i.e., fabric filter baghouse, wet scrubber, and wet electrostatic precipitator in series) must be justified in the record. *See,* Draft NSR Workshop Manual at B.26 ("In the event that the top candidate is shown to be inappropriate, due to energy, environmental, or economic impacts, the rationale for this finding needs to be fully documented for the public record.").

D. BACT for VOC Emissions for PC Boilers

The proposed BACT emission limit for VOC emissions from the PC boilers is 0.0030 lb/MMBtu, averaged over a 24-hour period. This limit does not represent BACT. Issuance of a final PSD permit with a VOC BACT emission limit greater than 0.0024 lb/MMBtu, averaged over a 3-hour period, would constitute clear legal error.

The PSD permit application and the Ambient Air Quality Impact Report both indicate that the proposed emission rate of 0.0030 lb/MMBTU is "lower than the lowest emission rate in recent permits for new coal-fired boilers." This was not true even at the time of permit application submittal. The PSD permit for Units 3 and 4 at Santee Cooper's Cross Generating Station

includes a VOC emission limit of 0.0024 lb/MMBtu, based on a 3-hour average. *See,* South Carolina Department of Health and Environmental Control permit no. 0420-0030-CI, issued February 5, 2004. The recent PSD permit for Intermountain Power Service Corp. includes a VOC emission limit of 0.0027 lb/MMBtu, based on a 3-hour average. *See,* Utah Division of Air Quality Permit No. N0327-010, issued October 15, 2004. The EPA's preliminary VOC BACT analysis, by failing to consider these more stringent limits, is clearly erroneous and deficient. The EPA appears to have accepted the applicant's proposed emission limit without any critical analysis whatsoever, as the Ambient Air Quality Impact Report makes no mention of the lower VOC emission limits that have been determined to be achievable. In light of the more stringent limits imposed on similar facilities, the BACT analysis must also include a specific and technically sound rationale for determining that the higher level of control is not achievable. *See,* Draft NSR Workshop Manual at B.24 ("... when reviewing a control technology with a wide range of emission performance levels, it is presumed that the source can achieve the same emission reduction level as another source unless the applicant demonstrates that there are source-specific factors that provide a technical, economic, energy, or environmental justification to do otherwise").

E. BACT for Sulfur Dioxide Emissions from Auxiliary Boiler

The proposed SO_2 emission limit for each of the auxiliary boilers is 4.38 lb/hr, averaged over 3 hours. This appears to be based upon EPA's preliminary BACT determination of 0.05 lb/MMBtu, although this is unclear both in the permit and in the Ambient Air Quality Impact Report. The BACT determination is deficient and the proposed limit does not represent BACT. Issuance of a final PSD permit with a BACT emission limit less stringent than 0.0016 lb/MMBtu would constitute clear legal error.

The EPA's preliminary BACT determination appears to be based on the use of fuel oil with a sulfur content of no more than 0.05 percent. Recent SO_2 BACT determinations by EPA and other agencies have required the use of much cleaner fuels to reduce SO_2 emissions from auxiliary boilers at electric generating facilities. Clean fuels are required to be considered in BACT analyses. *See,* In the Matter of Hibbing Taconite Company, PSD Appeal No. 87-3 (EAB, July 19, 1989). The PSD permit for Gascoyne Generating Station authorizes only propane for use in the auxiliary boiler. *See,* North Dakota Department of Health Permit No. 05005, issued June 2, 2005, restricting fuel use to propane and limiting SO_2 emissions to 0.03 lb/hr. The PSD permit for Diamond Wanapa prohibits the use of fuel oil having sulfur content in excess of 0.0015 percent. *See,* EPA Region 10 PSD Permit No. R10PSD-OR-05-01, issued August 8, 2005. The PSD permit for Longleaf Energy Associates restricts the auxiliary boiler to burning only fuel oil having sulfur content

less than or equal to 0.0015 percent. *See,* Georgia Environmental Protection Division PSD Permit No. 4911-099-0030-P-01-0. Each of these more stringent limits, if adopted in the instant case, would reduce SO_2 emissions from the auxiliary boiler by 97 percent or more. EPA's failure to consider these more stringent, demonstrated, available, and applicable control technique for the auxiliary boiler constitutes clear error.

F. BACT for Sulfuric Acid Mist Emissions from PC Boilers

The EPA's preliminary BACT determination for sulfuric acid mist emissions from the PC boilers is a limit of 0.0040 lb/MMBtu, based on the use of an air pollution control technology train that excludes a wet electrostatic precipitator. This BACT determination is deficient and the proposed limit does not represent BACT. Issuance of a final PSD permit with a sulfuric acid mist BACT emission limit greater than 0.0014 lb/MMBtu and without a requirement for a wet electrostatic precipitator would constitute clear legal error.

The PSD permit for Units 3 and 4 at Santee Cooper's Cross Generating Station includes a sulfuric acid mist emission limit of 0.0014 lb/MMBtu. *See,* South Carolina Department of Health and Environmental Control permit no. 0420-0030-CI, issued February 5, 2004. The recent PSD permit for Louisville Gas and Electric, Trimble County Unit 2, includes a sulfuric acid mist emission limit of 0.0038 lb/MMBtu. *See,* Kentucky Division for Air Quality Permit No. V-02-043, Revision 2, issued January 4, 2006, limiting emissions to 26.6 lb/hr and limiting heat input to 6,942 MMBtu/hr. The South Carolina and Kentucky facilities are required to control sulfuric acid mist emissions with a primary particulate matter control device, a wet scrubber, and a wet electrostatic precipitator in series. The PSD permit for Units 3 and 4 at Santee Cooper's Cross Generating Station includes a sulfuric acid mist emission limit of 0.0014 lb/MMBtu. The EPA's preliminary sulfuric acid mist BACT determination, by failing to consider the most effective combination of air pollution control technologies, is clearly erroneous and deficient. The air pollution control train proposed by the applicant here, and blindly accepted by EPA without any critical analysis whatsoever, does not include a wet electrostatic precipitator. This omission is inexplicable, as the proposed configuration with this proven and effective technology added is clearly the top option in a proper top-down BACT analysis for sulfuric acid mist emissions. Selection of a control strategy that is less effective than the best available combination of technologies (i.e., fabric filter baghouse, wet scrubber, and wet electrostatic precipitator in series) must be justified in the record. *See,* Draft NSR Workshop Manual at B.26 ("In the event that the top candidate is shown to be inappropriate, due to energy, environmental, or

economic impacts, the rationale for this finding needs to be fully documented for the public record.").

The EPA's preliminary sulfuric acid mist BACT determination, by failing to consider the most effective combination of air pollution control technologies or the more stringent emission limits that have been determined to be achievable, is clearly erroneous and deficient. The air pollution control train proposed by the applicant here, and blindly accepted by EPA without any critical analysis whatsoever, does not include a wet electrostatic precipitator. This omission is inexplicable, as the proposed configuration with this proven and effective technology added is clearly the top option in a proper top-down BACT analysis for sulfuric acid mist emissions. Selection of a control strategy that is less effective than the best available combination of technologies (i.e., fabric filter baghouse, wet scrubber, and wet electrostatic precipitator in series) must be justified in the record. *See,* Draft NSR Workshop Manual at B.26 ("In the event that the top candidate is shown to be inappropriate, due to energy, environmental, or economic impacts, the rationale for this finding needs to be fully documented for the public record.").

Furthermore, even if rejection of the most effective combination of control technologies for sulfuric acid mist could be justified, the proposed BACT emission limit of 0.0040 lb/MMBtu does not represent BACT for the proposed facility using the antiquated suite of controls proposed by the applicant. In this instance, issuance of a final PSD permit with a sulfuric acid mist BACT emission limit greater than 0.0015 lb/MMBtu would constitute clear legal error. The recently issued PSD permit for Unit 8 at Texas Genco's W.A. Parish station includes a sulfuric acid mist emission limit of 0.0015 lb/MMBtu. *See,* Texas Commission on Environmental Quality permit PSD-TX-234M2, issued October 21, 2005, limiting emissions to 10.1 lb/hr and limiting heat input to 6,700 MMBtu/hr. The EPA appears to have accepted the applicant's proposed emission limit without any critical analysis whatsoever, as the Ambient Air Quality Impact Report makes no mention of the lower sulfuric acid mist emission limits that have been determined to be achievable. Instead, nonsensically, the report includes only one comparison, to a unit burning much higher sulfur coal and having a slightly higher emission limit. It is not sufficient to justify a BACT determination on the basis that a higher limit has been imposed elsewhere, especially where that higher limit was imposed on a dissimilar facility. Instead, where more stringent limits are achievable at similar facilities, the BACT analysis must also include a specific and technically sound rationale for determining that the higher level of control is not achievable. *See,* Draft NSR Workshop Manual at B.24 ("... when reviewing a control technology with a wide range of emission performance levels, it is presumed that the source can achieve the same emission reduction level as another source unless the applicant

demonstrates that there are source-specific factors that provide a technical, economic, energy, or environmental justification to do otherwise").

G. BACT for Sulfuric Acid Mist Emissions from Auxiliary Boiler

The proposed permit does not include any emission limitation or standard for sulfuric acid mist emissions from the auxiliary boiler. Instead, the permit includes only a restriction on the sulfur content of the fuel to be burned. This limit is an operation limit, not an emission limit. *See,* "Limiting Potential to Emit in New Source Permitting," EPA Air Enforcement Division, June 13, 1989, transmitted to Regional Office Air Directors via memorandum from T.E. Hunt and J.S. Seitz of EPA. Operational limits and standards are permissible as BACT in lieu of numerical emission limits only when technological or economic limitations on the use of measurement methodologies make the imposition of an emission limitation infeasible. *See,* 40 CFR § 52.21(b)(12). *See also,* In re: Indeck-Elwood LLC, PSD Appeal No. 03-14 (EAB, September 27, 2006). EPA has made no such finding of infeasibility in the instant case. Thus, a numerical emission limit is required.

Additionally, even if an operational limit were justified in this case, EPA's BACT determination is deficient. The permit restricts the boiler only to burning fuel oil with a sulfur content of no more than 0.05 percent. More stringent and more restrictive operational limits have been imposed on similar boilers. First, many boilers are restricted to burning only No. 2 distillate fuel oil or are prohibited from burning residual fuel oils. Adopting this restriction would reduce sulfuric acid mist emissions, as the SO_3:S ratio is higher for residual oil than for No. 2 distillate fuel oil. *See,* "Report on Revisions to 5th Edition, AP-42 Section 1.3, Fuel Oil Combustion," EPA Office of Air Quality Planning and Standards, September 1998. This appears to have been recognized by EPA, as Table 9 in the Ambient Air Quality Impact Report includes a reference to "distillate fuel" as the control technology basis for the Auxiliary Boiler BACT determination. Also, recent BACT determinations by EPA and other agencies have prohibited the use of fuel oil having sulfur content in excess of 0.0015 percent. *See,* PSD Permit No. R10PSD-OR-05-01, issued August 8, 2005, to Diamond Wanapa I L.P. This more stringent limit would reduce EPA's failure to consider this more stringent, demonstrated, available, and applicable control technique for the auxiliary boiler constitutes clear error.

H. BACT for Fluorides Emissions from PC Boilers

The proposed emission limits for fluorides emissions from the PC boilers are 1.6 lb/hr and 0.00024 lb/MMBtu, each averaged over a 3-hour period, based

on the use of an air pollution control technology train that excludes a wet electrostatic precipitator. These limits do not represent BACT. Issuance of a final PSD permit without a requirement for a wet electrostatic precipitator, or with a fluorides BACT emission limit greater than 1.5 lb/hr and 0.000217 lb/MMBtu, each averaged over a 3-hour period, would constitute clear legal error.

The PSD permit application and the Ambient Air Quality Impact Report both indicate that the proposed emission rate of 0.00024 lb/MMBTU is "consistent with or lower than all recent BACT decisions." This may have been true at the time of permit application submittal, but at the time of EPA's proposed permit issuance, this is patently incorrect. The recent PSD permit for Wisconsin Public Service Corp., Weston Unit 4, includes a fluoride emission limit of 0.000217 lb/MMBtu. *See,* Wisconsin Department of Natural Resources Permit No. 03-RV-248, issued October 18, 2004. The recent PSD permit for Louisville Gas and Electric, Trimble County Unit 2, includes a fluoride emission limit of 0.00022 lb/MMBtu. *See,* Kentucky Division for Air Quality Permit No. V-02-043, Revision 2, issued January 4, 2006, limiting fluorides emissions to 1.55 lb/hr and limiting heat input to 6,942 MMBtu/hr. The recent PSD permit for Unit 3 at Seminole Electric Cooperative's Palatka Generating Station includes a fluoride emission limit of 0.00023 lb/MMBtu. *See,* Florida Department of Environmental Protection draft permit PSD-FL-375. The Kentucky and Florida permits require the use of wet electrostatic precipitators. The EPA's preliminary fluoride BACT analysis, by failing to consider these more effective control technologies and more stringent limits, is clearly erroneous and deficient. The EPA appears to have accepted the applicant's proposed air pollution control train and its proposed emission limit without any critical analysis whatsoever, as the Ambient Air Quality Impact Report makes no mention of the lower fluorides emission limits that have been determined to be achievable. In light of the more stringent limits imposed on similar facilities, the BACT analysis must also include a specific and technically sound rationale for determining that the higher level of control is not achievable. *See,* Draft NSR Workshop Manual at B.24 ("... when reviewing a control technology with a wide range of emission performance levels, it is presumed that the source can achieve the same emission reduction level as another source unless the applicant demonstrates that there are source-specific factors that provide a technical, economic, energy, or environmental justification to do otherwise").

In addition to being deficient as BACT, the proposed permit conditions for fluorides are vague, ambiguous, and internally inconsistent with regard to the pollutant that is regulated. The heading for proposed Permit Condition IX.M is "Emission limits for fluorides (HF)." Even overlooking the obvious spelling error, this is ambiguous, as hydrogen fluoride (HF) and fluorides are

two separate and distinct pollutants. The text of the permit condition ostensibly prohibits "the discharge of HF" in excess of the cited numerical limit. Thus, it would appear that the limit pertains only to hydrogen fluoride, and excludes the substantial quantity of other fluoride compounds that may be emitted by the proposed facility. This would constitute clear legal error, as the regulated NSR pollutant is "fluorides." *See,* 40 CFR §§ 52.21(b)(23)(i) and (b)(50).

I. Startups and Shutdowns

The proposed permit conditions for emissions occurring during startup and shutdown periods are vague and ambiguous, unenforceable, and inconsistent with statutory BACT requirements. Conditions N.4 and N.5 require that the SO_2, NO_X, and CO emissions be monitored and recorded using CEMS during startup and shutdown periods, and Condition N.6 requires that emissions during startup and shutdown periods be included in calculations "of hourly and annual mass emission rates." This would appear to indicate that these emissions need not be included in the calculation of lb/MMBtu emission rates. However, for each of these pollutants, the lb/MMBtu emission limits are the only limits identified in the Ambient Air Quality Impact Report as representing BACT. Thus, if emissions during startup and shutdown periods are not required to be included in determining compliance with the lb/MMBtu emission limits, these emissions are wholly exempt from BACT. This exemption is not authorized under the statute. *See,* In re: Tallmadge Generating Station, PSD Appeal No. 02-12 (EAB, May 21, 2003). *See also,* In re: Indeck-Elwood LLC, PSD Appeal No. 03-14 (EAB, September 27, 2006). In addition, the definition of "startup" at Condition N.2 is excessively broad. Without support or justification, this provision defines the startup period as extending until the equipment has reached both a "continuous operating level" and its "operating permit limits." Of course, no operating permit has yet been issued for this equipment, and there is no indication that the operating permit will include a limit on heat input. It is absurd to allow a boiler to be immune from enforcement of its steady-state BACT emission limits indefinitely as long as it maintains its operation below its operating permit limits.

EPA United States Environmental Protection Agency

Public Comment Form

(Please Print)

Name RC Hunt

Address

Waterflow, NM 87421

Affiliation Hunt's Meat Company

Telephone (

Email

Would you like to be added to our mailing list? ☐ Yes ☒ No

Comments: During our time in the community (50+ years) we have observed a marked disparity between the consideration of the Navajo Tribal members and the primarily Caucasian populations nearby. Although both AFS And PNM make many public relations & "Good Neighbor" statements or ad campaigns it is apparent they do not treat all neighbors equally. ie: at the Recent Junior Livestock Sales in Farmington the top steer was bought for over $12.00 per pound. Less than 2 weeks later, PNM purchased a very similar Grand Champion steer in Shiprock for only $4.00 per pound. Fair? Not Equal! Not! Why! Will Desert Rock →

Be any more even handed? Will it all be hype? Advertising? What will they commit to do for a community they are negatively impacting? Will they provide inexpensive power to those residents within 50 miles who are still without electricity?

a) Who on this panel lives in New Mexico or within 20 miles of a coal fired power plant? Would you be willing to move your family to this area considering the cumulative effects of pollution and the questionable consequences for future generations?

Flora Vista, N.M. 87415

October 7, 2006

U.S. Environmental Protection Agency

75 Hawthorne Street

San Francisco, Ca. 95105

Dear Sirs or Ms.:

We are very much against the proposed Desert Rock Power Plant that is being foisted on our area. We have heard the promises of the most stringent air quality being enforced, but that is of little consolation when added to the pollution of the two existing power plants.

We are not against progress or free enterprise, but in weighing the minimal benefits for us and our neighbors, it certainly isn't a fair tradeoff.

Our ancestors came to San Juan County well over a hundred years ago and we believe that makes us inherently qualified to object to this project.

Sincerely,

William D. Hunt

Laura K. Hunt

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Richard A. Grossman, MD, MPH
Obstetrics, Gynecology and Family Planning including Infertility
Fellow, American College of Obstetrician & Gynecologists
an independent physician practicing in the offices of Four Corners OB-GYN
Riverside Medical Building
375 E. Park Ave., Suite 3C
Durango, Colorado 81301
970 382-8800

26 October 2006

Robert Baker, Air-3
U.S. Environmental Protection Agency
75 Hawthorne St., San Francisco, CA 94105
Fax: (415) 947-3579

Dear Mr. Baker,

I am writing to express my concern about the proposed Desert Rock Power Plant. I strongly recommend that NO permit be issued until all information, including a full environmental evaluation, is available.

My specific concern is about mercury. Although Sithe Global has estimated that Desert Rock will only emit 114 pounds of mercury per year (0.057 tpy), they do not guarantee this level of emissions. I attended the recent international mercury conference in Madison, WI, and know that the technology for removal of mercury from power plant effluent is new and not well developed. I suspect that Sithe's estimate is based on wishful thinking rather than proven technology.

Even so, 114 additional pounds of mercury polluting the Four Corners region is too much. Most of the mercury contaminating the fish (and making them dangerous to eat) came from the San Juan and Four Corners power plants, as the recent study mercury fluxes in Narraguinnep Reservoir near Durango (Applied Geochemistry 20 (2005) 207–220) showed. Adding more mercury pollution will worsen an already bad situation.

As an obstetrician with a degree in public health, I am concerned that mercury may already be harming developing babies. I am performing a biomonitoring study of mercury in pregnant women in the Four Corners; results are not available yet. It is my professional opinion that there is not enough evidence that the proposed Desert Rock power plant will not increase the hazards to people in the Four Corners area. Therefore, until its safety can be proven, the EPA must not issue a permit to make it possible.

Please acknowledge the receipt and reading of this letter by e-mail at: mail@mercury-matters.org. Thank you for your attention.

Richard A. Grossman

Richard A. Grossman, MD, MPH

Louise E Grunewald
Western Hands Studio

Durango CO 81302

10·12·06

Mr. Robert Baker
Air-3
US EPA
75 Hawthorne St.
San Francisco · CA · 94105

Dear Mr. Baker,

I am writing to express my strong opposition to the Desert Rock powerplant proposed for the Four Corners area. The air and water in this region is already tainted by the current plant. On a recent return trip to Durango from Santa Fe on Highway 550 I witnessed this firsthand. As I approached Bloomfield and Farmington, a yellow sludge smeared across what should have been a blue sky.

I personally do not want to breathe this stuff. I also do not want to see our Class One Areas (the Weminuche Wilderness and Mesa Verde) affected by more bad air.

We have been warned not to eat fish from the lakes and reservoirs around Durango. It is startling and disheartening to get such reports.

I ask you to consider my letter. I know I speak for many who choose to live in this area because of their desire for a healthy lifestyle. There are others who have lived here for generations who don't deserve to have their air and water ruined just because they are powerless.

There are other solutions. One is reconsidering the overconsumption of resources in this country. Making a clean environment a higher priority is another. Thank you for your attention to this letter.

Sincerely,
Louise E Grunewald

RICHARD J. HAGGERTY
ATTORNEY AND COUNSELOR AT LAW
PO Box 609
TELLURIDE, CO 81435

October 4, 2006

Re: Desert Rock Power Plant Project

Dear Mr. Baker:

By way of comment to the above-referenced Project, I wish to register objection to the omission of the mitigation requests by the National Park Service to protect the visibility at Mesa Verde National Park from the proposed permit. As a resident of a town downwind from the proposed plant, the inclusion of the NPS mitigation requests would enhance the quality of the air in my community as well as the Park.

Thank you for your consideration of my comments.

Sincerely,

R J Haggerty

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FAX TO: Air Division (AIR-2), EPA
ATTN: Rebecca Rosen
415 947-3579
November 6, 2006

Dear Ms. Rosen,

The Talon Newspaper gave your name and number for a place to send comments on the proposed Desert Rock Power Plant on the Navajo reservation, so here are mine. It's a very sure thing in this world that money rules every political decision. In light of that, I'm pretty sure that my comments are most likely going to be like dust in the wind. But just in case some part of the decision-making process is based on how much negative input you receive about the new plant, I want my voice to be added.

Everyone in this country must be aware of the problem of global warming. I see it constantly; on the evening news, on TV specials, in magazine articles and in the newspaper. Even if there's a question that global warming actually exists or that human activity is actually causing it, there's also the very real possibility that it is occurring and that we are causing it. It appears to me that if we can change that possibility by our choices, we simply must choose correctly. A new power plant in the four corners region, or anywhere for that matter, simply isn't the way to proceed.

There have been many instances in history where the human race just marched right on into disaster, and our use of coal may be heading us in that direction. I know the Navajo nation is in dire need of a viable way to bring prosperity to their people, but there seem to be other options for the Navajo Nation. They also have plenty of wind and sun that could be used to generate electricity rather than coal. I think the Navajo Nation deserves better than this. I drive through there now and think how horrible it must be for the Navajo's who live under the huge cloud of air pollution that exists there already from the two existing power plants. It's not great for the rest of us either. I was hiking on top of Cedar Mesa in Utah yesterday and could see the pollution from the two existing plants spread over the entire sky. What a mess! We as a nation can do better than this. It's way past time that we did.

I know there are all sorts of issues connected to this process that I don't know about and that if I knew them I would better understand the choices you face. I also know that you are bound by the rules and regulations of the EPA, but I suspect that there are ways of making sure that the right choice is made. God help us all if your agency continues to make the wrong ones. I sincerely wish you the best with this hard decision.

Jade Halterman

Navajo Dam, NM 87419